

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51005 of 2023

Arising Out of PS. Case No.-208 Year-2023 Thana- SURSAND District- Sitamarhi

GAGANDEO RAI Son of Bhola Rai Resident of village - Bibari, P.S. -
Sursand, Distt. - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha,Advocate

For the Opposite Party/s : Mr.Parmeshwar Mehta,APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 21-08-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
31.05.2023 in connection with Sursand (Bhittha O.P.) P.S. Case
No. 208 of 2023, F.I.R. dated 20.04.2023 registered for the
offence punishable under Section 7 of the Essential
Commodities Act.

3. The prosecution case, in short, is that the informant
alleges that on verification of godown of PDS Dealer Bhola Rai
in present of the petitioner, who is nominee of the PDS Dealer,
it was found that 144.97 quintals wheat and 408.90 quintal rice
total 553.87 quintals food grains have not been distributed
among the beneficiaries and the petitioner in collusion with
other accused persons have committed black marketing of the



said foodgrains.

4. Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. Further submits that the petitioner is not the PDS Dealer. Petitioner is nominee of the PDS Dealer and he has no concern at all with the alleged recovery and all the allegation as alleged in the FIR is responsible for the PDS Dealer, namely, Bhola Rai and only statement of some persons has been recorded in which they have stated that the petitioner was involved in the present crime in question and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 31.05.2023.

5. Learned APP for the State has opposed the prayer for bail of the petitioner.

6. Considering the aforesaid fact, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Pupri at Sitamarhi in connection with Sursand (Bhittha O.P.) P.S. Case No. 208 of 2023, with the following conditions:-

(I) Petitioner shall co-operate in the trial and shall be



properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Nitesh/-

U		T	
---	--	---	--

